

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CHARLES DEAN,

Plaintiff,

v.

DR. DONNELLY, et al.,

Defendants.

) Case No. 3:15-cv-00421-MMD-WGC

**ORDER**

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a former state prisoner. In compliance with this Court's order, Plaintiff has submitted an application to proceed in district court without prepaying fees or costs following his release from prison. (ECF No. 6, 8). Based on the financial information provided, the Court grants Plaintiff leave to proceed without prepayment of fees or costs pursuant to 28 U.S.C. § 1915(a)(1).<sup>1</sup>

The Court entered a screening order on January 25, 2016. (ECF No. 6). A subsequent order imposed a 90-day stay and the Court entered an order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 9, 11). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 13).

**IT IS THEREFORE ORDERED** that:

1. Plaintiff's application to proceed in district court without prepaying fees or costs

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<sup>1</sup> Plaintiff is not subject to the requirements of 28 U.S.C. § 1915(a)(2), (b) because he is no longer a "prisoner" within the meaning of the statute. See 28 U.S.C. § 1915(h).

1 (ECF No. 8) is **GRANTED**.

2       2. Plaintiff is permitted to maintain this action to conclusion without the necessity  
3 of prepayment of any additional fees or costs or the giving of security therefor. This order  
4 granting leave to proceed in district court without prepaying fees or costs shall not extend to  
5 the issuance and/or service of subpoenas at government expense.

6       3. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy  
7 of Plaintiff's complaint (ECF No. 7) on the Office of the Attorney General of the State of  
8 Nevada, attention Kat Howe.

9       4. Subject to the findings of the screening order (ECF No. 6, 9), within **twenty-one**  
10 (**21**) **days** of the date of entry of this order, the Attorney General's Office shall file a notice  
11 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts  
12 service; (b) the names of the defendants for whom it does not accept service, and (c) the  
13 names of the defendants for whom it is filing last-known-address information under seal. As  
14 to any of the named defendants for which the Attorney General's Office cannot accept service,  
15 the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known  
16 address(es) of those defendant(s) for whom it has such information.

17       5. If service cannot be accepted for any of the named defendant(s), Plaintiff shall  
18 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and  
19 specifying a full name and address for the defendant(s). For the defendant(s) as to which the  
20 Attorney General has not provided last-known-address information, Plaintiff shall provide the  
21 full name and address for the defendant(s).

22       6. If the Attorney General accepts service of process for any named defendant(s),  
23 such defendant(s) shall file and serve an answer or other response to the complaint within  
24 **sixty (60) days** from the date of this order.

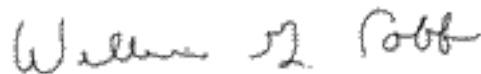
25       7. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been  
26 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document  
27 submitted for consideration by the Court. Plaintiff shall include with the original paper  
28 submitted for filing a certificate stating the date that a true and correct copy of the document

1 was mailed to the defendants or counsel for the defendants. If counsel has entered a notice  
2 of appearance, Plaintiff shall direct service to the individual attorney named in the notice of  
3 appearance, at the address stated therein. The Court may disregard any paper received by  
4 a district judge or magistrate judge which has not been filed with the Clerk, and any paper  
5 received by a district judge, magistrate judge, or the Clerk which fails to include a certificate  
6 showing proper service.

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8 Dated this 18<sup>th</sup> day of July, 2016.

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11 UNITED STATES MAGISTRATE JUDGE

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